

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CAROL A. BRENNAN, ANTHONY  
COLINO, and COURTNEY  
BELLOMO, individually and on behalf  
of all others similarly situated,  
Plaintiffs,

vs.

COMMUNITY BANK, N.A.  
Defendant.

NO. 13-CV-02939

JUDGE MANNION

CLASS ACTION

**ORDER**

AND NOW, this \_\_\_\_\_ day of January 2015, upon consideration of  
Plaintiffs' unopposed Motion for Leave to Exceed Page Limits, it is hereby  
ORDERED that said Motion is GRANTED.

BY THE COURT:

\_\_\_\_\_  
MALACHY E. MANNION  
United States District Judge

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**MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Plaintiffs, by and through their undersigned counsel, hereby move for leave to file a brief in excess of the limits of Loc. R. Civ. P. 7.8(b) and state as follows:

1. On January 5, 2015, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement. (Doc. No. 72).

2. This is a two-state class action where Plaintiffs are seeking approval for a class-wide settlement of claims arising the Article 9 consumer protection provisions of the Uniform Commercial Codes of Pennsylvania and New York. 13 Pa. C.S. §9601, *et seq*; N.Y. U.C.C. Law § 9-601, *et seq* (McKinney).

3. Preliminary approval of a class settlement involves two essential steps: (A) a preliminary determination of whether the elements of Fed. R. Civ. P. 23 governing class certification can be met, and (B) whether a class settlement is *prima facie* fair, reasonable and adequate. *See In re NFL Players Concussion*

*Injury Litig.*, ---F.3d ----, 2014 WL 7331936, \*10 (3d Cir. Dec. 24, 2014); *Wallace v. Powell*, 301 F.R.D. 144, 159-60 (M.D. Pa. 2014).

4. As such, legal argument for preliminary approval in this case involves briefing two substantial questions, which could be addressed in two substantial briefs.

5. In the effort to avoid redundancy (e.g. two statements of fact, procedure, the settlement terms), Plaintiffs seek to file one Memorandum in Support of Preliminary Approval which addresses both legal questions – Rule 23 certification and fairness of settlement, with said memorandum appearing on the docket at ECF No. 76, filed January 20, 2015.

6. Filing one brief (as well as one appendix of exhibits) addressing all of the inquiries for preliminary approval is economical for the Court and parties. Plaintiffs will be delivering a bound copy of the Motion, Memorandum and Exhibits to chambers.

7. Plaintiffs' Memorandum is approximately 8500 words, and thus is in excess of the limits imposed by Loc. R. Civ. P. 7.8(b).

8. For the reasons set forth above, Plaintiffs request leave be granted to file a brief in excess of the Local Rule limitation not to exceed 8500 words.

9. The undersigned certifies pursuant to Loc. R. 7.1 that Defendant Community Bank consents to this Motion.

WHEREFORE, Plaintiffs should be granted leave to file a brief in excess of the limitations set forth in Local R. Civ. P. 7.8(b).

Date: 1/20/15

/s/ Cary L. Flitter  
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**CERTIFICATE OF SERVICE**

I, CARY L. FLITTER, hereby certify that a copy of Plaintiffs' Motion for  
Leave to Exceed Page Limit has been electronically filed with the Clerk of Court  
using the CM/ECF system, which sent notification of such filing to:

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**Attorneys for Plaintiff, Nicole Urban**

Date: 1/20/15

/s/ Cary L. Flitter  
CARY L. FLITTER

Said document is available for viewing and downloading from the ECF system.

Date: 1/20/15

/s/ Cary L. Flitter  
CARY L. FLITTER